

1 AN ACT relating to employment.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 336.130 is amended to read as follows:

- 4 (1) Employees may, free from restraint or coercion by the employers or their agents,  
5 associate collectively for self-organization and designate collectively  
6 representatives of their own choosing to negotiate the terms and conditions of their  
7 employment to effectively promote their own rights and general welfare.  
8 Employees, collectively and individually, may strike, engage in peaceful picketing,  
9 and assemble collectively for peaceful purposes~~[, except that no public employee,~~  
10 ~~collectively or individually, may engage in a strike or a work stoppage. Nothing in~~  
11 ~~this statute and KRS 65.015, 67A.6904, 67C.406, 70.262, 78.470, 78.480, 336.132,~~  
12 ~~336.134, 336.180, 336.990, and 345.050 shall be construed as altering, amending,~~  
13 ~~granting, or removing the rights of public employees to associate collectively for~~  
14 ~~self organization and designate collectively representatives of their own choosing to~~  
15 ~~negotiate the terms and conditions of their employment to effectively promote their~~  
16 ~~own rights and general welfare].~~
- 17 (2) Neither employers or their agents nor employees or associations, organizations or  
18 groups of employees shall engage or be permitted to engage in unfair or illegal acts  
19 or practices or resort to violence, intimidation, threats or coercion.
- 20 (3) ~~[(a) Notwithstanding subsection (1) of this section or any provision of the~~  
21 ~~Kentucky Revised Statutes to the contrary, no employee shall be required, as a~~  
22 ~~condition of employment or continuation of employment, to:~~
- 23 1. ~~Become or remain a member of a labor organization;~~
  - 24 2. ~~Pay any dues, fees, assessments, or other similar charges of any kind or~~  
25 ~~amount to a labor organization; or~~
  - 26 3. ~~Pay to any charity or other third party, in lieu of these payments, any~~  
27 ~~amount equivalent to or pro rata portion of dues, fees, assessments, or~~

1                   ~~other charges required of a labor organization.~~

2           ~~(b) As used in this subsection, the term "employee" means any person employed~~  
 3                   ~~by or suffered or permitted to work for a public or private employer.~~

4   ~~(4) The secretary of the Education and Labor Cabinet or his or her representative shall~~  
 5           ~~investigate complaints of violations or threatened violations of subsection (3) of this~~  
 6           ~~section and may initiate enforcement of a criminal penalty by causing a complaint~~  
 7           ~~to be filed with the appropriate local prosecutor and ensure effective enforcement.~~

8   ~~(5)~~ Except in instances where violence, personal injury, or damage to property have  
 9           occurred and such occurrence is supported by an affidavit setting forth the facts and  
 10           circumstances surrounding such incidents, the employees and their agents shall not  
 11           be restrained or enjoined from exercising the rights granted to them in subsection  
 12           (1) of this section without a hearing first being held, unless the employees or their  
 13           agents are engaged in a strike in violation of a "no strike" clause in their labor  
 14           contract.

15   ~~(4)~~~~(6)~~ Submission of a false affidavit concerning violence, personal injury, or  
 16           damage to property shall constitute a violation of KRS 523.030. In the absence of  
 17           any such affidavit alleging violence, personal injury, or damage, injunctions shall  
 18           be issued only by a Circuit Judge or other justice or judge acting as a Circuit Judge  
 19           pursuant to law.

20           ➔Section 2. KRS 336.180 is amended to read as follows:

21   As used in **KRS 336.190 and 336.200**~~[this chapter]~~, unless the context requires otherwise,  
 22           ~~†:~~

23   ~~(1) "Candidate" means any person who has received contributions or made~~  
 24           ~~expenditures, has appointed a campaign treasurer, or has given his or her consent~~  
 25           ~~for any other person to receive contributions or make expenditures with a view to~~  
 26           ~~bringing about his or her nomination or election to public office, except federal~~  
 27           ~~office;~~

1 ~~(2) "Committee" includes the following:~~

2 ~~(a) "Campaign committee," which means one (1) or more persons who receive~~  
3 ~~contributions and make expenditures to support or oppose one (1) or more specific~~  
4 ~~candidates or slates of candidates for nomination or election to any state, county,~~  
5 ~~city, or district office, but does not include an entity established solely by a~~  
6 ~~candidate which is managed solely by a candidate and a campaign treasurer and~~  
7 ~~whose name is generic in nature, such as "Friends of (the candidate)," and does not~~  
8 ~~reflect that other persons have structured themselves as a committee, designated~~  
9 ~~officers of the committee, and assigned responsibilities and duties to each officer~~  
10 ~~with the purpose of managing a campaign to support or oppose a candidate in an~~  
11 ~~election;~~

12 ~~(b) "Caucus campaign committee," which means members of any caucus groups who~~  
13 ~~receive contributions and make expenditures to support or oppose one (1) or more~~  
14 ~~specific candidates or slates of candidates for nomination or election to any state,~~  
15 ~~county, city, or district office, or a committee in Kentucky or in any other state.~~  
16 ~~Caucus campaign committees include but are not limited to:~~

17 ~~1. The House Democratic caucus campaign committee;~~

18 ~~2. The House Republican caucus campaign committee;~~

19 ~~3. The Senate Democratic caucus campaign committee;~~

20 ~~4. The Senate Republican caucus campaign committee; and~~

21 ~~5. Subdivisions of the state executive committee of a minor political party, which~~  
22 ~~serve the same function as the above named committees, as determined by~~  
23 ~~administrative regulations promulgated by the Kentucky Registry of Election~~  
24 ~~Finance;~~

25 ~~(c) "Political issues committee," which means three (3) or more persons joining~~  
26 ~~together to advocate or oppose a constitutional amendment or ballot measure if that~~  
27 ~~committee receives or expends money in excess of one thousand dollars (\$1,000);~~

- 1 ~~(d) "Permanent committee," which means a group of individuals, including an~~  
2 ~~association, committee, or organization, other than a campaign committee, political~~  
3 ~~issues committee, inaugural committee, caucus campaign committee, or a party~~  
4 ~~executive committee, which is established as, or intended to be, a permanent~~  
5 ~~organization having as a primary purpose expressly advocating the election or~~  
6 ~~defeat of one (1) or more clearly identified candidates, slates of candidates, or~~  
7 ~~political parties, which functions on a regular basis throughout the year;~~
- 8 ~~(e) An executive committee of a political party; and~~
- 9 ~~(f) "Inaugural committee," which means one (1) or more persons who receive~~  
10 ~~contributions and make expenditures in support of inauguration activities for any~~  
11 ~~candidate or slate of candidates elected to any state, county, city, or district office;~~
- 12 ~~(3) "Contributing organization" means a group which merely contributes to candidates,~~  
13 ~~slates of candidates, campaign committees, caucus campaign committees, or~~  
14 ~~executive committees from time to time from funds derived solely from within the~~  
15 ~~group, and which does not solicit or receive funds from sources outside the group~~  
16 ~~itself;~~
- 17 ~~(4) "Contribution" means any:~~
- 18 ~~(a) Payment, distribution, loan, deposit, or gift of money or other thing of value, to a~~  
19 ~~candidate, his or her agent, a slate of candidates, its authorized agent, a committee,~~  
20 ~~or contributing organization but shall not include a loan of money by any financial~~  
21 ~~institution doing business in Kentucky made in accordance with applicable banking~~  
22 ~~laws and regulations and in the ordinary course of business. As used in this~~  
23 ~~subsection, "loan" shall include a guarantee, endorsement, or other form of security~~  
24 ~~where the risk of nonpayment rests with the surety, guarantor, or endorser, as well~~  
25 ~~as with a committee, contributing organization, candidate, slate of candidates, or~~  
26 ~~other primary obligor. No person shall become liable as surety, endorser, or~~  
27 ~~guarantor for any sum in any one (1) election which, when combined with all other~~

1 ~~contributions the individual makes to a candidate, his or her agent, a slate of~~  
2 ~~candidates, its agent, a committee, or a contributing organization, exceeds the~~  
3 ~~contribution limits provided in KRS 121.150;~~

4 ~~(b) Payment by any person other than the candidate, his or her authorized treasurer, a~~  
5 ~~slate of candidates, its authorized treasurer, a committee, or a contributing~~  
6 ~~organization, of compensation for the personal services of another person which are~~  
7 ~~rendered to a candidate, slate of candidates, committee, or contributing~~  
8 ~~organization, or for inauguration activities;~~

9 ~~(c) Goods, advertising, or services with a value of more than one hundred dollars~~  
10 ~~(\$100) in the aggregate in any one (1) election which are furnished to a candidate,~~  
11 ~~slate of candidates, committee, or contributing organization or for inauguration~~  
12 ~~activities without charge, or at a rate which is less than the rate normally charged~~  
13 ~~for the goods or services; or~~

14 ~~(d) Payment by any person other than a candidate, his or her authorized treasurer, a~~  
15 ~~slate of candidates, its authorized treasurer, a committee, or contributing~~  
16 ~~organization for any goods or services with a value of more than one hundred~~  
17 ~~dollars (\$100) in the aggregate in any one (1) election which are utilized by a~~  
18 ~~candidate, slate of candidates, committee, or contributing organization, or for~~  
19 ~~inauguration activities;~~

20 ~~(5) "Election" means any primary, regular, or special election. Each primary, regular,~~  
21 ~~or special election shall be considered a separate election;~~

22 ~~(6) "Electioneering communications" means:~~

23 ~~(a) Any communication broadcast by television or radio, printed in a newspaper or on a~~  
24 ~~billboard, directly mailed or delivered by hand to personal residences, or in~~  
25 ~~telephone calls made to personal residences, or otherwise distributed that:~~

26 ~~1. Unambiguously refers to any candidate for any state, county, city, or district office,~~  
27 ~~or to any ballot measure;~~

- 1 ~~2.—Is broadcast, printed, mailed, delivered, made, or distributed within thirty (30) days~~  
2 ~~before a primary election or sixty (60) days before a general election; and~~
- 3 ~~3.—Is broadcast to, printed in a newspaper, distributed to, mailed to or delivered by~~  
4 ~~hand to, in telephone calls made to, or otherwise distributed to an audience that~~  
5 ~~includes members of the electorate for such public office or the electorate~~  
6 ~~associated with the ballot containing the ballot measure.~~
- 7 ~~(b) "Electioneering communications" does not include:~~
- 8 ~~1.—Any news articles, editorial endorsements, opinions or commentary, writings, or~~  
9 ~~letters to the editor printed in a newspaper, magazine, or other periodical not owned~~  
10 ~~by or controlled by a candidate, committee, or political party;~~
- 11 ~~2.—Any editorial endorsements or opinions aired by a broadcast facility not owned or~~  
12 ~~controlled by a candidate, committee, or political party;~~
- 13 ~~3.—Any communication by persons made in the regular course and scope of their~~  
14 ~~business or any communication made by a membership organization solely to~~  
15 ~~members of such an organization and their families;~~
- 16 ~~4.—Any communication that refers to any candidate only as part of the popular name of~~  
17 ~~a bill or statute; or~~
- 18 ~~5.—A communication that constitutes a contribution or independent expenditure as~~  
19 ~~defined in this section;~~
- 20 ~~(7) "Employer" means all persons, firms, associations, corporations, public employers,~~  
21 ~~public school employers, and public colleges, universities, institutions, and~~  
22 ~~education agencies;~~
- 23 ~~(8) "Fundraiser" means an individual who directly solicits and secures contributions on~~  
24 ~~behalf of a candidate or slate of candidates for a statewide elected state office, or an~~  
25 ~~office in a jurisdiction with a population in excess of two hundred thousand~~  
26 ~~(200,000) residents;~~
- 27 ~~(9) "Independent expenditure" means the expenditure of money or other things of value~~

1       ~~for a communication which expressly advocates the election or defeat of a clearly~~  
 2       ~~identified candidate or slate of candidates, and which is made without any~~  
 3       ~~coordination, consultation, or cooperation with any candidate, slate of candidates,~~  
 4       ~~campaign committee, or any authorized person acting on behalf of any of them, and~~  
 5       ~~which is not made in concert with, or at the request or suggestion of any candidate,~~  
 6       ~~slate of candidates, campaign committee, or any authorized person acting on behalf~~  
 7       ~~of any of them;~~

8       ~~(10)~~ "labor organization" means any organization of any kind, or any agency or  
 9       employee representation committee or plan, in which employees participate and,  
 10       ~~association or union~~ which exists for the purpose, in whole or in part, of dealing  
 11       with employers concerning grievances, labor disputes, wages, rates of pay, hours  
 12       of employment or conditions of work~~, or other forms of compensation. Except, for~~  
 13       ~~the purposes of this section or KRS 161.158, 164.365, 336.133, 336.134, 336.1341,~~  
 14       ~~336.135, or 336.990, "labor organization" shall not include organizations which~~  
 15       ~~primarily represent public employees working in the protective vocations of active~~  
 16       ~~law enforcement officer, jail and corrections officer, or active fire suppression or~~  
 17       ~~prevention personnel;~~

18       ~~(11)~~ "Political activities" means any contribution or independent expenditure made:  
 19       ~~(a) To any committee;~~  
 20       ~~(b) To any contributing organization;~~  
 21       ~~(c) To any candidate;~~  
 22       ~~(d) To any slate of candidates;~~  
 23       ~~(e) To any fundraiser;~~  
 24       ~~(f) For any electioneering communications;~~  
 25       ~~(g) For any testimonial affair;~~  
 26       ~~(h) In any manner intended to influence the outcome of any election;~~  
 27       ~~(i) In any manner intended to otherwise promote or support the defeat of any:~~

1           1.—Candidate;

2           2.—Slate of candidates; or

3           3.—Ballot measure; or

4           (j) ~~In any manner intended to advance any position held by any person or entity~~  
5           ~~other than the public employee regarding any:~~

6           1.—Election;

7           2.—Candidate;

8           3.—Slate of candidates; or

9           4.—Ballot measure;

10       ~~(12) "Public employee" means an employee of a "public agency" as that term is defined~~  
11       ~~in KRS 61.870;~~

12       ~~(13) "Slate of candidates" means:~~

13       ~~(a) Between the time a certificate or petition of nomination has been filed for a~~  
14       ~~candidate for the office of Governor under KRS 118.365 and the time the~~  
15       ~~candidate designates a running mate for the office of Lieutenant Governor~~  
16       ~~under KRS 118.126, a slate of candidates consists of the candidate for the~~  
17       ~~office of Governor; and~~

18       ~~(b) After that candidate has designated a running mate under KRS 118.126, that~~  
19       ~~same slate of candidates consists of that same candidate for the office of~~  
20       ~~Governor and the candidate's running mate for the office of Lieutenant~~  
21       ~~Governor. Unless the context requires otherwise, any provision of law that~~  
22       ~~applies to a candidate shall also apply to a slate of candidates; and~~

23       ~~(14) "Testimonial affair" means an affair held in honor of a person who holds or who is~~  
24       ~~or was a candidate for nomination or election to a state, city, county, or district~~  
25       ~~political office designed to raise funds for the purpose of influencing the outcome~~  
26       ~~of an election, otherwise promoting support for, or the defeat of, any candidate,~~  
27       ~~slate of candidates, or ballot measure].~~



1       ➔Section 3. KRS 336.990 is amended to read as follows:

- 2       (1) Upon proof that any person employed by the Education and Labor Cabinet as a  
3       labor inspector has taken any part in any strike, lockout or similar labor dispute, the  
4       person shall forfeit his or her office.
- 5       (2) The following civil penalties shall be imposed, in accordance with the provisions in  
6       KRS 336.985, for violations of the provisions of this chapter:
- 7       (a) Any person who violates KRS 336.110 or 336.130 shall for each offense be  
8       assessed a civil penalty of not less than one hundred dollars (\$100) nor more  
9       than one thousand dollars (\$1,000);
- 10       (b) Any corporation, association, organization, or person that violates KRS  
11       336.190 and 336.200 shall be assessed a civil penalty of not less than one  
12       hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each  
13       offense. Each act of violation, and each day during which such an agreement  
14       remains in effect, shall constitute a separate offense;
- 15       (c) Any employer who violates the provisions of KRS 336.220 shall be assessed a  
16       civil penalty of not less than one hundred dollars (\$100) nor more than one  
17       thousand dollars (\$1,000) for each violation; and
- 18       (d) Any labor organization who violates KRS 336.135 shall be assessed a civil  
19       penalty of not less than one hundred dollars (\$100) nor more than one  
20       thousand dollars (\$1,000) for each offense.
- 21       ~~{(e) Any public employer or labor organization that violates KRS 161.158,~~  
22       ~~164.365, 336.133, 336.134, 336.1341, 336.135, or 336.180 shall be assessed a~~  
23       ~~civil penalty of not less than one hundred dollars (\$100) nor more than one~~  
24       ~~thousand dollars (\$1,000) for each offense.~~
- 25       ~~(3) Any labor organization, employer, or other person who directly or indirectly~~  
26       ~~violates KRS 336.130(3) shall be guilty of a Class A misdemeanor.~~
- 27       ~~(4) Any person aggrieved as a result of any violation or threatened violation of KRS~~

1       ~~336.130(3) may seek abatement of the violation or threatened violation by~~  
2       ~~petitioning a court of competent jurisdiction for injunctive relief and shall be~~  
3       ~~entitled to costs and reasonable attorney fees if he or she prevails in the action.~~

4       ~~(5) Any person injured as a result of any violation or threatened violation of KRS~~  
5       ~~336.130(3) may recover all damages resulting from the violation or threatened~~  
6       ~~violation and shall be entitled to costs and reasonable attorney fees if he or she~~  
7       ~~prevails in the action.]~~

8       ➔Section 4. KRS 67A.6904 is amended to read as follows:

9       (1) ~~[Except as provided in KRS 336.130, ]~~Urban-county governments and their  
10       representatives and agents are prohibited from:

11       (a) Interfering, restraining, or coercing police officers, firefighter personnel,  
12       firefighters, or corrections personnel in the exercise of the rights guaranteed in  
13       KRS 67A.6902;

14       (b) Dominating or interfering with the formation, existence, or administration of  
15       any labor organization;

16       (c) Discriminating in regard to hiring or tenure of employment or any term or  
17       condition of employment to encourage or discourage membership in any labor  
18       organization; **provided that nothing in this section, or in any other statute of**  
19       **this state, shall preclude an urban-county government from making an**  
20       **agreement with a labor organization to require as a condition of**  
21       **employment membership therein on or after the thirtieth day following the**  
22       **beginning of that employment or on the effective date of the agreement,**  
23       **whichever is later;**

24       (d) Discharging or otherwise discriminating against an employee because he or  
25       she has signed or filed any affidavit, petition, or complaint or given any  
26       information or testimony under this section; or

27       (e) Refusing to bargain collectively in good faith with a labor organization which

1 is the exclusive representative of employees in an appropriate unit, including  
2 but not limited to the discussing of grievances with the exclusive  
3 representative.

4 (2) Labor organizations and their agents are prohibited from:

5 (a) Restraining or coercing:

6 1. Police officers, firefighter personnel, firefighters, or corrections  
7 personnel in the exercise of the right guaranteed in KRS 67A.6902; and

8 2. An urban-county government in the selection of a representative for the  
9 purposes of collective bargaining or the adjustment of grievances; or

10 (b) Refusing to bargain collectively in good faith with an urban-county  
11 government, if they have been designated in accordance with the provisions of  
12 this section as the exclusive representative of police officers, firefighter  
13 personnel, firefighters, or corrections personnel in an appropriate unit.

14 (3) For the purposes of this section, to bargain collectively is to carry out in good faith  
15 the mutual obligation of the parties, or their representatives; to meet together at  
16 reasonable times, including meetings in advance of the budget-making process; to  
17 negotiate in good faith with respect to wages, hours, and other conditions of  
18 employment; to negotiate an agreement; to negotiate any question arising under any  
19 agreement; and to execute a written contract incorporating any agreement reached,  
20 if requested by either party. The obligation shall not be interpreted to compel either  
21 party to agree to a proposal, or require either party to make a concession.

22 ➔Section 5. KRS 67C.406 is amended to read as follows:

23 (1) ~~Except as provided in KRS 336.130(3),~~ Consolidated local governments, their  
24 representatives, or their agents are prohibited from:

25 (a) Interfering, restraining, or coercing police officers in the exercise of the rights  
26 guaranteed in KRS 67C.402;

27 (b) Dominating or interfering with the formation, existence, or administration of

- 1           any labor organization;
- 2           (c) Discriminating in regard to hiring or tenure of employment or any term or
- 3           condition of employment to encourage or discourage membership in any labor
- 4           organization; provided that nothing in this section, or in any other statute of
- 5           this state, shall preclude a consolidated local government from making an
- 6           agreement with a labor organization to require as a condition of
- 7           employment membership therein on or after the thirtieth day following the
- 8           beginning of that employment or on the effective date of the agreement,
- 9           whichever is later;
- 10          (d) Discharging or otherwise discriminating against an employee because he or
- 11          she has signed or filed any affidavit, petition, or complaint or given any
- 12          information or testimony under this section; or
- 13          (e) Refusing to bargain collectively in good faith with a labor organization which
- 14          is the exclusive representative of employees in an appropriate unit, including
- 15          but not limited to the discussing of grievances with the exclusive
- 16          representative.
- 17        (2) Labor organizations or their agents are prohibited from:
- 18          (a) Restraining or coercing:
- 19                1. Police officers in the exercise of the right guaranteed in KRS 67C.402;
- 20                and
- 21                2. A consolidated local government in the selection of a representative for
- 22                the purposes of collective bargaining or the adjustment of grievances; or
- 23          (b) Refusing to bargain collectively in good faith with a consolidated local
- 24          government, if they have been designated in accordance with the provisions of
- 25          this section as the exclusive representative of police officers in an appropriate
- 26          unit.
- 27        (3) For the purposes of this section, to bargain collectively is to carry out in good faith

1 the mutual obligation of the parties, or their representatives; to meet together at  
2 reasonable times, including meetings in advance of the budget-making process; to  
3 negotiate in good faith with respect to wages, hours, and other conditions of  
4 employment; to negotiate an agreement; to negotiate any question arising under any  
5 agreement; and to execute a written contract incorporating any agreement reached,  
6 if requested by either party. The obligation shall not be interpreted to compel either  
7 party to agree to a proposal, or require either party to make a concession.

8 ➔Section 6. KRS 70.262 is amended to read as follows:

9 (1) ~~Except as provided in KRS 336.130,~~ In any county containing a consolidated local  
10 government or city of the first class that has adopted a merit system under KRS  
11 70.260 to 70.273, deputies subject to the merit system may organize, form, join, or  
12 participate in organizations in order to engage in lawful concerted activities for the  
13 purpose of collective bargaining or other mutual aid and protection, and to bargain  
14 collectively through a representative of their own free choice. Deputies shall also  
15 have the right to refrain from any or all of these activities but shall be subject to the  
16 lawful provisions of any collective bargaining agreement entered into under this  
17 section. Strikes by deputies of any collective bargaining unit shall be prohibited at  
18 any time.

19 (2) ~~Except as provided in KRS 336.130,~~ In any county containing a consolidated local  
20 government or city of the first class that has adopted a merit system under KRS  
21 70.260 to 70.273, the sheriff shall contract with a representative of the deputies  
22 described in subsection (1) of this section employed by the sheriff where the  
23 representative has established representation of a majority of the deputies, with  
24 respect to wages, hours, and terms and conditions of employment, including  
25 execution of a written contract incorporating any agreement reached between the  
26 sheriff and the representative. The sheriff shall not be required to bargain over  
27 matters of inherent managerial policy.

1           ➔Section 7. KRS 78.470 is amended to read as follows:

2 ~~[Except as provided in KRS 336.130, ]~~In any county in the Commonwealth of Kentucky,  
3 which has a population of 300,000 or more and which has adopted the merit system, the  
4 county employees in the classified service as police may organize, form, join or  
5 participate in organizations in order to engage in lawful concerted activities for the  
6 purpose of collective bargaining or other mutual aid and protection, and to bargain  
7 collectively through representatives of their own free choice. Such employees shall also  
8 have the right to refrain from any or all such activities. Strikes by said members of any  
9 such collective bargaining unit shall be prohibited at any time.

10           ➔Section 8. KRS 78.480 is amended to read as follows:

11 ~~[Except as provided in KRS 336.130, ]~~In any county in the Commonwealth of Kentucky  
12 which has a population of 300,000 or more and which has adopted the merit system for  
13 its police force, the fiscal court may contract with representatives of the police employed  
14 by said county with respect to wages, hours, terms and conditions of employment,  
15 including execution of a written contract incorporating any agreement reached between  
16 the fiscal court and representatives of the police. The fiscal court shall not be required to  
17 bargain over matters of inherent managerial policy.

18           ➔Section 9. KRS 345.050 is amended to read as follows:

- 19 (1) ~~[Except as provided in KRS 336.130, ]~~Public employers, their representatives or  
20 their agents are prohibited from:
- 21 (a) Interfering, restraining or coercing firefighters in the exercise of the rights  
22 guaranteed in KRS 345.030;
  - 23 (b) Dominating or interfering with the formation, existence or administration of  
24 any labor organization;
  - 25 (c) Discriminating in regard to hiring or tenure of employment or any term or  
26 condition of employment to encourage or discourage membership in any labor  
27 organization; **provided that nothing in this chapter, or in any other statute of**

1           *this state, shall preclude a public employer from making an agreement with*  
2           *a labor organization to require as a condition of employment membership*  
3           *therein on or after the thirtieth day following the beginning of such*  
4           *employment or on the effective date of the agreement, whichever is later;*

5           (d) Discharging or otherwise discriminating against an employee because he *or*  
6           *she* has signed or filed any affidavit, petition or complaint or given any  
7           information or testimony under this chapter; *or*

8           (e) Refusing to bargain collectively in good faith with a labor organization which  
9           is the exclusive representative of employees in an appropriate unit, including  
10          but not limited to the discussing of grievances with the exclusive  
11          representative.

12       (2) Labor organizations or their agents are prohibited from:

13           (a) Restraining or coercing:

14               1. Firefighters in the exercise of the right guaranteed in subsection (1) of  
15               KRS 345.030, and

16               2. A public employer in the selection of his *or her* representative for the  
17               purposes of collective bargaining or the adjustment of grievances; *and*

18           (b) Refusing to bargain collectively in good faith with a public employer, if they  
19           have been designated in accordance with the provisions of this chapter as the  
20           exclusive representative of firefighters in an appropriate unit.

21       (3) For the purposes of this chapter, to bargain collectively is to carry out in good faith  
22       the mutual obligation of the parties, or their representatives; to meet together at  
23       reasonable times, including meetings in advance of the budget-making process; to  
24       negotiate in good faith with respect to wages, hours and other conditions of  
25       employment; to negotiate an agreement; to negotiate any question arising under any  
26       agreement; and to execute a written contract incorporating any agreement reached,  
27       if requested by either party. The obligation shall not be interpreted to compel either

1 party to agree to a proposal, or require either party to make a concession.

2 ➔Section 10. The following KRS sections are repealed:

3 65.016 Prohibition against requiring any employer to pay employee a certain wage or  
4 fringe benefit.

5 336.132 Labor agreement in violation of KRS 336.130 is unlawful and void --  
6 Exceptions.